

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

KINDRED HOSPITALS EAST, L.L.C.)
d/b/a KINDRED HOSPITAL - ST. LOUIS)
and KINDRED HOSPITAL - ST. LOUIS -)
ST. ANTHONY'S,)
)
)
Plaintiff,)
)
vs.) Case No. 4:10-CV-839
)
KATHLEEN SEBELIUS, SECRETARY)
OF THE UNITED STATES)
DEPARTMENT OF HEALTH AND)
HUMAN SERVICES,)
)
Defendant.)

TEMPORARY RESTRAINING ORDER

Before the Court are the *Plaintiff's Verified Complaint for Declaratory Judgment, Specific Performance and Injunctive Relief, and Plaintiff Kindred Hospitals East LLC's Application for a Temporary Restraining Order and Plaintiff's Memorandum in Support of its Application for Temporary Restraining Order* [Dkt. # 1,2, 3]. Having read the pleadings and the supporting affidavits and considered the arguments of counsel, and Defendant having indicated that it does not oppose the entry of this Order to maintain the status quo, but does not waive any defenses set forth in Federal Rule of Civil Procedure 12, including lack of subject matter jurisdiction, the Court hereby enters a temporary restraining order to preserve the status quo as proposed by Plaintiff.

Accordingly, it is here ORDERED as follows:

1. Defendant and its agents, principals, officers and assigns are temporarily restrained and enjoined from taking any action to terminate Plaintiff's Medicare and

Medicaid provider agreements or publishing notice of termination, until further order of this Court; and

2. The effectiveness of the termination of Plaintiff's Medicare and Medicaid provider agreements is stayed for the duration of the Temporary Restraining Order until September 15, 2010, by which time the parties are to provide a report to the Court of the status of their negotiations.

This Temporary Restraining Order is granted without condition that a bond be filed by Plaintiff.

This Order shall not interfere with or impair the rights of Defendant to investigate any complaints it receives while this Order remains in effect.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire on September 15, 2010, unless otherwise extended by the Court.

Date: 08/26/10
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge